

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-cr-20135

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

MICHAEL TAYLOR GARDNER,

UNITED STATES MAGISTRATE JUDGE
DAVID R. GRAND

Defendant.

**ORDER GRANTING GOVERNMENT’S MOTION TO ADJOURN TRIAL [36],
GRANTING DEFENDANT’S MOTION FOR AN EVIDENTIARY HEARING [29], AND
PROHIBITING DEFENDANT FROM CONTACTING WITNESSES**

On June 2, 2016, the United States of America filed a Motion to Adjourn Trial to allow the time necessary to evaluate Defendant’s two recently filed motions. *See* Dkt. No. 36, p. 3 (Pg. ID No. 254). Defendant’s motions request an evidentiary hearing to test whether Defendant’s phone was illegally seized and seek to suppress evidence connecting Defendant to Detroit gang activity. *See* Dkt. No. 29, 30.

At the June 2, 2016 pre-trial conference, Defendant indicated to the Court that Defendant did not want the Court to adjourn trial in order to address his pending motions. However, Defendant indicated to the Court at the June 8, 2016

hearing that he had changed his mind and would like to adjourn the trial date so that the motions could be properly briefed and considered by the Court.

Also addressed at the June 8, 2016 hearing was the issue of Defendant contacting a witness in the case. The Government made an oral motion requesting that the Court order Defendant to not have contact with witnesses while the case is pending.

Having reviewed the Motions, the Court hereby orders as follows:

1. **IT IS HEREBY ORDERED** that the Government's Motion to Adjourn Trial [36] is **GRANTED**. The trial date has been rescheduled to August 23, 2016.
2. **IT IS FURTHER ORDERED** that Defendant's Motion for an Evidentiary Hearing [29] is **GRANTED**. The evidentiary hearing will take place on July 5, 2016 at 2:00 p.m. The Government has until June 15, 2016 to submit a response addressing the issues in Defendant's motion.
3. Finally, **IT IS ORDERED** that Defendant is not to have contact with any witnesses while the case is pending.

IT IS SO ORDERED.

Dated: June 13, 2016
Detroit, Michigan

s/Gershwin A. Drain
GERSHWIN A. DRAIN
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on **June 13, 2016.**

s/Tanya R. Bankston
TANYA R.BANKSTON
Case Manager & Deputy Clerk